



**FINAL REPORT OF THE INTERAGENCY TASK FORCE ON LEAD
IN DRINKING WATER
AND RECOMMENDATIONS OF THE CO-CHAIRS**

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Mayor, District of Columbia**

**The Hon. Carol Schwartz, Co-Chair
Councilmember At-Large, Council of the
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Public Works and the Environment**

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I. INTRODUCTION

The Interagency Task Force on Lead in Drinking Water (“Task Force”) was formed to address the problem of increased levels of lead in the drinking water in homes of some residents of the District of Columbia. On February 4, 2004, the Council of the District of Columbia’s Committee on Public Works and the Environment held an emergency public hearing on the matter, and held a second hearing on February 10, 2004. The next day, on February 11, 2004, Mayor Anthony Williams and Councilmember Carol Schwartz, who Chairs the Committee on Public Works and the Environment, announced the formation of the Task Force to find answers to questions of concern to the public and government regarding increased lead levels in some of the District’s drinking water, to ensure the coordination of all involved parties in effective communication with the public and to provide an ongoing forum for relevant government entities to share information and develop responses in this matter.

Mayor Williams and Councilmember Schwartz, the Task Force co-chairs, brought together representatives from the Executive Office of the Mayor (EOM), the Council Chairman’s office, the Council’s Committees on Public Works and the Environment and Human Services, the Office of the City Administrator (OCA), the District of Columbia Water and Sewer Authority (WASA), the District of Columbia Department of Health (DOH), the Washington Aqueduct and the District Department of Transportation (DDOT) to serve on the Task Force. At its second meeting, the Task Force added the District of Columbia Emergency Management Agency (EMA).¹

¹ Following a discussion at a Task Force meeting, the City Administrator partially activated emergency operations at EMA to coordinate the work of all city agencies involved in responding to the issue of high levels of lead in some of the District’s drinking water. Toward that end, a Drinking Water Quality Workgroup was established to identify key issues associated with this situation and develop a plan of action to address and resolve those issues. A key component of EMA’s coordination was ensuring that members of the work group carried out functions related to this situation according to the roles and responsibilities outlined in the District Response Plan (DRP). The agency also provided support services, including GIS

The Task Force met weekly to discuss concerns and possible solutions to the increased lead levels in some of the District's drinking water. The Task Force's meeting dates were on February 13, February 19, February 25, March 2, March 8, March 15, March 22, March 31 and April 5, 2004. Members appeared before the Committee on Public Works and the Environment and made final Task Force presentations on April 19, 2004. Members of the Task Force have also addressed the public and the media at press conferences held frequently regarding the Task Force's activities in this matter, often on a regular three-times-a-week basis and, later, once a week. At its inception, Mayor Williams and Councilmember Schwartz set April 9, 2004 as the completion date for the Task Force. An interim report was issued on April 9, and the Task Force is now issuing this final report on April 22, 2004 so that members of the public and other interested stakeholders are informed of the Task Force's work.

II. ACTIVITIES RESULTING FROM TASK FORCE MEETINGS

The following pages detail the activities that resulted from discussions and commitments made at Task Force meetings. The Task Force was established to be, and is in practice, an action-oriented, deadline-driven work group. In each of the general areas discussed below, Task Force members have each week had frank and open discussions of concerns, disagreements, and problems. These robust discussions, at times contentious, have led to numerous activities intended to improve communications, protocols, and resolution of the many complex facets of this issue. What follows is a catalog of the more prominent results that have stemmed from Task Force meetings.²

mapping services to WASA and DOH. EMA continues to track agencies' completion of tasks identified in the work plan and provide coordination and support for ongoing efforts to abate the problem. Finally, the agency has served as a communications clearinghouse and a logistics manager.

² There has been a tremendous increase in the amount of activity designed to address the lead issue since the formation of the Task Force. While it is difficult to catalog exactly which actions resulted from Task

1. Public Notification/Community Outreach

It was clear to Task Force members that of primary importance was communicating clearly and consistently to the public. Prior to the formation of the Task Force and even a few weeks into its existence, different parts of different government agencies and other entities were saying different things to the public. Given a complex issue with many responsible entities, such multiple messaging is not surprising, but the Task Force felt strongly that first and foremost it needed to clarify and coordinate communications. Providing direction to the various agencies to achieve that end was an ongoing aspect of the Task Force's work. Below are communication initiatives that resulted from Task Force discussions.

a. WASA Letter to Residences with Known or Suspected Lead Service Lines

On February 26, 2004, WASA sent a letter to all residences with known or suspected lead service lines providing safety information from DOH regarding the use of tap water in these residences. This letter also contained specific advice to be followed by children under the age of six and pregnant and nursing women living in these homes. This letter has since been translated into five different languages (Spanish, Korean, Chinese, Vietnamese and Amharic) and is posted on DOH's website. Recommendations in the letter include:

- Using tap water for drinking or cooking only after other high water use activities, such as bathing, showering, flushing the toilet or washing of

Force discussions versus which were merely influenced by them, versus which were accelerated by them, etc., it is safe to say that virtually all of the activities have flowed through the Task Force and/or have been led by Task Force members. This report does not intend to give undue credit to the Task Force for all of what has been accomplished, but rather to catalog the prominent activities, which makes clear the value the Task Force has added to the overall process.

clothes, so that a total of at least 10 minutes of running water through the faucets or pipes has occurred.

- After this 10 minutes of use, letting the water run from the kitchen faucet for 60 seconds, then collecting drinking water in containers and storing them in the refrigerator.
- Removing and cleaning the strainer/aerator device on faucets about once a month to remove debris.
- Using only cold water for drinking or cooking.

Additional recommendations for children under the age of six and women who are pregnant or breastfeeding were to not drink unfiltered water from homes believed to have lead service lines or use it to prepare infant formula or concentrated juice until the concerns regarding potential increased lead levels in water in those properties has been resolved. It was also recommended that all children under the age of six and all pregnant women in these homes be screened for blood lead levels.

This letter also provided information regarding the use of home drinking water filters to remove lead from water and alerted residents to the fact that lead paint can be another very important source of lead exposure in the home. A decision was later made to provide water filters at no cost to all residences with known or suspected lead service lines.

b. WASA Letter to Residences for Which WASA Has No Record of Pipe Material

WASA has begun contacting by mail the approximately 21,000 customers at addresses for which WASA has no record of a pipe material. WASA is also urging these customers to use its testing program to sample their tap water and to follow the recommended flushing precautions for residences with known lead service lines.

c. WASA Hotline

On February 4, 2004, WASA significantly expanded the number of telephone lines, hours of operation and personnel staffing its Lead Services Hotline initially established in January 2003 to address questions from the public related to the issue of lead in drinking water. The command center has been staffed seven days a week. As of April 19, 2004, WASA's Lead Services Hotline has received and responded to 50,571 calls and 6,423 e-mail messages. According to WASA, since the lead issue arose, it has dedicated management, supervisory and numerous other employees to this operation. At this point, WASA employees are being returned to their regular roles. To accomplish this, WASA selected a firm through a competitive procurement with six GSA vendors to transition the lead hotline to a contractor. The initial term of this agreement is for three months. WASA will maintain control of this operation under its Customer Service Operations, relocating it to the 810 First Street N.E.

d. Public Meetings

WASA has participated in a total of 23 community meetings throughout the District to discuss the lead in drinking water issue with residents, hosting 8 of these meetings. Representatives from DOH have also been present at almost all of these meetings to provide health information to residents regarding the lead in drinking water situation. The specific meetings hosted by WASA in which DOH, the Washington Aqueduct and other Task Force members participated, include:

1. February 18, 2004 meeting at the Francis A. Gregory Library, 3660 Alabama Avenue S.E.

2. February 26, 2004 meeting at the Washington Highland Branch Library, 115 Atlantic Street S.W.
3. March 2, 2004 meeting at the Palisades Branch Library, 4901 V Street N.W.
4. March 22, 2004 meeting at All Souls Church, 1500 Harvard Street N.W.
5. March 23, 2004 meeting at Hines Junior High School, 335 8th Street S.E.
6. March 24, 2004 meeting at George Washington University, Jack Morton Auditorium, 805 21st Street N.W.
7. March 29, 2004 meeting at Pennsylvania Avenue Baptist Church, 3000 Pennsylvania Avenue S.E.
8. March 31, 2004 meeting at Ketcham Elementary School, 1919 15th Street S.E.

Other meetings in which WASA participated include:

9. February 3, 2004 meeting with ANC 2E on the campus of Georgetown University
10. February 11, 2004 meeting at the Jewish Community Center, 16th and Q Streets NW
11. February 17, 2004 meeting with MOMS On the Hill, St. Peter's Church, 313 2nd Street SE
12. February 19, 2004 meeting with the Kalorama Neighborhood Association, Good Will Baptist Church, 1862 Kalorama Road NW
13. February 20, 2004 meeting with the Federal Civic Assembly, One Judiciary Square, 441 Fourth Street NW

14. February 23, 2004 meeting with ANC 3C at the Metropolitan Police Department Second District Station, 3320 Idaho Avenue N.W.
15. March 5, 2004 meeting with the Bloomingdale Neighborhood Association meeting at 1908 North Capitol Street N.W.
16. March 6, 2004 meeting with the Cleveland Park Neighborhood Association meeting at the Cleveland Park Library, 3310 Connecticut Avenue N.W.
17. March 8, 2004 meeting with the Congress Heights Community Association Meeting at Congress Heights United Methodist Church, 421 Alabama Street S.E.
18. March 13, 2004 panel discussion at the 4th Annual Ward 5 Constituent Summit at Trinity College, 125 Michigan Avenue N.E.
19. March 22, 2004 meeting with the Southwest Neighborhood Assembly (SWNA) at St. Matthew's Church, 222 M Street S.W.
20. March 25, 2004 meeting with ANC 6A at 920 11th Street, N.E.
21. April 8, 2004 meeting with the NAACP Washington Branch at Israel Baptist Church, 1251 Saratoga Avenue N.E.
22. April 13, 2004 meeting with the Manor Park Neighborhood Association, 245 Peabody Street N.W.
23. April 20, 2004 meeting with ANC 4D at 6001 Georgia Avenue N.W.

EPA has also been meeting with community groups in the District regarding the lead in drinking water issue, has placed staff in the District to deal with this matter and has expanded its Drinking Water Hotline to address District water issues. In cooperation with the District's Joint Unified Command, EPA has also offered information to radio

stations in the District on the lead in drinking water issue and has created a comprehensive website to provide updates to District residents.

e. Meeting with Lead Coalition

On March 22, 2004, the Task Force met for over an hour with the Lead Coalition (Coalition), a group of representatives from various environmental and community organizations, to discuss the Coalition's concerns regarding the lead in drinking water issue. Councilmember Schwartz had met with the Coalition the previous week and, as a result of that meeting, recommended that the Coalition meet with the full Task Force.

f. Frequently Asked Questions and Talking Points

The Emergency Management Agency prepared a set of Frequently Asked Questions (FAQs) and talking points regarding lead in drinking water in order to assist public officials and community leaders in answering citizens' questions regarding this issue. These FAQs and talking points were updated as new information became available. Copies of these FAQs and talking points were posted on the city's website and were sent by Councilmember Schwartz to every District Councilmember and Advisory Neighborhood Commissioner.

g. Television Programs

1. Lead in Water Television Special

EMA's joint information group, which includes WASA, has contacted D.C. Cable about producing and airing a program on the lead in drinking water issue. A Lead in Water television special is being developed in cooperation with the Office of Cable Television and Telecommunications (OCTT) to be broadcast as part of the DOH show

“Health Matters.” The show is cablecast on D.C. Cable and on WHUT-TV, Howard University public television, Channel 32.

2. Channel 16 Cable Television

DOH and WASA participated in Channel 16 Cable TV’s “Reporter’s Table” to discuss the topic of lead issues, a program that is replayed twice a day for two weeks. This program began airing on March 29, 2004.

2. Blood Lead Level Testing

Although there is scant scientific evidence to suggest a direct connection between lead in drinking water and lead absorption into the body, the Department of Health, with guidance and support from the Task Force, is executing a significant amount of blood lead level testing. The scope of this testing, unprecedented throughout the nation, is underway out of an abundance of caution so that we can (1) ensure that anyone with elevated blood lead levels is treated appropriately, (2) learn to what extent there is or is not a correlation between lead in the water and lead in the body, and (3) provide reassurance to the public. The results of this testing, preliminarily reported in a recent Centers for Disease Control study, will benefit not only the District but all cities that are facing, or will in the future face, a similar situation. Details of the activity in this area follow.

a. General Public

DOH has provided free blood testing for District residents at D.C. General Hospital, at multiple clinics across the city and through home visits in order to determine whether any resident has excessive blood lead levels. DOH was assisted in these efforts by the Commissioned Corps Readiness Force (CCRF), which provided a team of Public

Health Service officers to help DOH administer blood tests. To date, 4,860 residents have been tested with results available for 4,814 of these residents. Of this total number of residents tested, 1,770 are within the target population (children under the age of 6, women who are pregnant and women who are nursing) and 3,014 are outside the target population. The ages of an additional 30 of these residents are currently being confirmed. With respect to the residents outside the target population who were tested for blood lead levels, only 4 residents had a blood lead level of 25 micrograms per deciliter (mcg/dL) or higher, the level of concern for adults. Two of these residents have lead service lines.

Of the total number of residents tested who are in the target population, 1,603 were children under the age of 6 (90.6%), 92 were women who are pregnant (5.2%) and 75 were women who are nursing (4.2%). Of this total number of residents tested who are within the target population, only 34 residents had elevated blood lead levels of 10 mcg/dL or above the level of concern for children and pregnant and nursing women – 2 women who are nursing³ and 32 children under the age of 6.⁴ This is 0% of all the pregnant women tested, 2.7% of all the nursing women tested⁵ and 2.0% of all the children under the age of 6 tested. Of these 32 children under the age of 6 whose tests revealed high blood lead levels, 12 live in residences with lead service lines and 20 live in residences without lead service lines. Additionally, environmental assessments were conducted on a total of 42 residences of all persons tested for blood lead levels. These environmental assessments revealed that all of the children and nursing mothers with elevated blood lead levels (with the exception of one residence) live in residences with dust and/or soil lead levels exceeding EPA and HUD guidelines.

Additional points regarding this blood lead level testing are that: (1) none of the 201 persons DOH tested who live in homes with the highest measured levels of lead in the drinking water (>300 parts per billion (ppb)) had elevated blood lead levels, and (2) from 2000-2003, the percentage of children less than 6 years of age with elevated blood lead levels (≥ 10 mcg/dL) continued to decline in the District both in homes with and without lead service lines. The percent of children with blood lead levels greater than or equal to 5 mcg/dL did not decline in homes with lead service lines, although this percent did decline in homes without lead service lines.

In collaboration with the Office of the Chief Technology Officer, DOH has implemented a new electronic database for blood lead levels. This system will allow rapid reporting to DOH of all blood lead levels from commercial laboratories such as Quest Diagnostics and Labcorp, Inc. and all other sources.

³ One woman who was nursing was subsequently retested and had a second blood lead level that was not elevated.

⁴ One additional child from Maryland but who attends a daycare center in the District had an elevated blood lead level.

⁵ Again, one woman who was nursing was subsequently retested and had a second blood lead level that was not elevated.

Additional lead expert assistance was requested by DOH on March 23, 2004 from the Centers for Disease Control and Prevention (CDC) under the Epidemiological Aid Program. On March 30, 2004, a combined DOH-CDC Commissioned Corps Readiness Force (CCRF) report was published summarizing the results of preliminary investigations of blood lead levels and lead service pipes in a special issue of CDC's Morbidity and Mortality Weekly Report MMWR Dispatch.

DOH also notes that the EPA action level for lead in drinking water of 15 ppb is not a health-based recommendation. According to EPA, "This action level was not designed to measure health risks from water represented by individual samples. Rather, it is a statistical trigger that, if exceeded, requires more treatment, public education and possibly lead service line replacement." (<http://www.epa.gov/dclead/oversight.htm>) This is information that was revealed during testimony by EPA officials at the Committee on Public Works and the Environment's April 1, 2004 public hearing.

b. Children in Childcare Facilities with Lead Service Lines

To date, out of 155 District childcare facilities with lead service lines (as identified by WASA), blood lead level tests were completed on the children at 77 of these facilities. In these 77 facilities, 416 children were screened for lead – 365 of these children tested below 10 mcg/dL, 3 children tested above 10 mcg/dL and 48 results are pending. Of the remaining childcare facilities, 28 are closed or have no children currently enrolled, 36 have children that are scheduled to be screened by a private physician, 7 are facilities that DOH is continuing to call back or visit to deliver consent forms, make an appointment or get test results from a private physician, and 7 facilities were not tested. Of these 7 facilities that were not tested, 6 facilities had children whose parents refused to have the children tested and one facility is currently scheduled for testing.

3. Water Lead Level Testing

Just as testing of people is important to ascertain lead absorption, the Task Force recognized that enhanced testing of residences and other facilities throughout the District was necessary to provide information to homeowners and the general public. While WASA had last year begun an aggressive testing program, the Task Force has actively guided and enhanced water testing, so that the public as well as the decision-makers can determine where and to what magnitude lead readings above the EPA “action level” exist. What follows are actions taken as a result of Task Force guidance in this area.

a. Residences

i. Water Test Kits

WASA has shipped 23,167 water test kits to District residents who have requested one, and has conducted a total of over 12,500 tests of water provided by its customers.

The Task Force encouraged the establishment of six sites where residents could drop off sample kits. In order to ensure that the delivery of sample kits to eligible residents and shipment to a laboratory for testing is expeditious and convenient, WASA has transitioned the sampling program to a new contractor in order to provide more timely and responsive service. As part of this process, WASA is contacting residents by mail who have not requested sample kits, and who live in either a property that is identified as being served by a lead service line, or in homes for which WASA has no information on the pipe material. These residents will be encouraged to use a postcard enclosed in the mailing to request a sample test kit and pick-up for delivery to a lab via UPS. Test results will then be provided to WASA and to the residents.

ii. Sampling Data

The following is the sample results data from WASA for the current year.

Individual premise data are shared by WASA with DOH for correlation with blood lead level data. Lead value concentrations are measurably lower overall than last year's results, and the "Unknown" material results indicate that a relatively small percentage of these services may be lead services. "Copper," "Brass" and "Other" results present clear evidence that those service line materials contribute much lower levels of lead, and that over 90% of these samples are below the action level. Additionally, WASA says that "first draw" results in premises served by those copper, brass and other materials are below the EPA action level.

SUMMARY OF 2004 WATER TESTING DATA
Samples Analyzed through April 20, 2004

Total Samples Conclusively Matched to Address in Database = 10341

	First Draw					
Lead [ppb]	Lead	Copper	Brass	Unknown	Other	
0-15	1501	3341	901	1550	203	7496
>15-50	1418	289	42	624	17	2390
>50 - 100	219	44	8	76	1	348
>100-150	32	12	1	11	0	56
Over 150	31	8	3	9	0	51
	3201	3694	955	2270	221	10341

	Second Draw					
Lead [ppb]	Lead	Copper	Brass	Unknown	Other	
0-15	1609	3397	916	1630	193	7745
>15-50	938	191	27	389	18	1563
>50 - 100	451	71	6	175	7	710
>100-150	147	25	4	53	1	230
Over 150	56	10	2	23	2	93
	3201	3694	955	2270	221	10341

Source: WASA.

b. Schools

WASA conducted extensive testing of public schools and administrative buildings in February 2004. In order to address concerns about representative and complete sampling, WASA has begun resampling these schools with a protocol approved by EPA.

c. Apartment, Condominium and Cooperative Buildings

With respect to residential buildings whose owners or landlords refuse to conduct water lead level tests or release the results of such tests to the tenants, WASA considered sending a test kit to one tenant or owner-occupier in the building if that individual agrees to publicly post the results of the test in the building for other tenants to see. However, on April 20, 2004, Councilmember Schwartz and Councilmember Sharon Ambrose introduced legislation that would require the owner of a multi-family residential building to have a lead level test of the tap water in the building conducted if a rental tenant or an owner-occupier of a unit in the building requests the testing. Councilmembers Schwartz and Ambrose are considering introducing similar emergency legislation at an upcoming Council legislative session.

d. Public Housing, Hospitals and Jails

At the recommendation of Councilmember Schwartz, WASA has tested water lead levels at Department of Corrections facilities in the District, including the jail (Central Detention Facility). The lead level content in the water at these facilities was under the action level of 15 ppb. WASA says that it will provide the results of water lead level tests in public housing and hospitals once it determines the proper protocol for taking these samples.

4. Distribution of Water Filters and Replacement Cartridges

The Task Force has developed guidance and supported logistics for the distribution of water filter kits. This action has been taken, like others, under the principle of acting with an abundance of caution. Task Force members have coordinated many of the activities associated with the overall lead issue. Following are the specific actions taken to date.

To date, the District has received donations of 10,600 water filter pitchers from the Brita Products Company and 12,000 pitcher and faucet water filtration systems from the Proctor & Gamble Company for distribution to District residences with lead service lines. These filters are certified by the National Sanitation Foundation (NSF) to remove up to 98% of lead in water at amounts up to 150 parts per billion (ppb). In addition, WASA has purchased 13,400 water filters. EMA was originally given the responsibility of distributing these water filters to affected residents. Pregnant women, nursing mothers and children age six and under who live in homes with lead service lines were identified as the most at-risk population and were scheduled to be among the first to receive filtration devices. In the initial distribution on March 4 and 5, 2004, EMA delivered water filters to approximately 300 home-based daycare centers with lead service lines. Beginning Saturday, March 6 and continuing through Monday, March 22, EMA set up distribution sites at various places across the city, primarily at locations at which the DOH was offering free blood lead screening or at community meetings hosted by WASA. A total of 3,164 filtration devices were distributed at these sites.

WASA has since mailed or shipped the remaining water filters to all of the approximately 23,000 residences with known or suspected lead service lines. The filters were accompanied by a multilingual letter and instructions. A six-month supply of replacement cartridges for these water filters was also provided to those residents who received a filter. With a particular focus on households that have been identified as having a lead service line pipe and those households for which WASA has no record of service line pipe, WASA continues to strongly encourage participation in its water lead testing program (contact the Lead Services Hotline at 202-787-2732 or wqp2003@dcwasa.com.) WASA has already distributed filters to addresses believed to be served by a lead service line pipe, and is also providing a water filter and replacement

cartridges to households that participate in the testing program whose test results exceed 15 ppb.

Both Councilmember Schwartz and Mayor Williams have called upon WASA to also distribute water filters to the approximately 21,000 residences with service lines whose make-up is uncertain. Testing conducted thus far by WASA indicates that approximately 28 percent of the “second draw” samples collected from properties served by service lines of “unknown” material exceed the action level of 15 ppb. WASA is planning to distribute free water filters and replacement cartridges to additional residences whose water lead level tests are at 15 ppb or higher, but it does not have plans at this time to distribute filters to all of the approximately 21,000 residences with service lines of unknown composition. WASA currently has 8,000 water filters in inventory and will start distributing these filters this week to residences whose water tests above the EPA action level.

5. Replacement of Lead Service Lines

WASA has been continuing its replacement of lead service lines in public space in the District. DDOT has been coordinating with WASA's lead service line replacement program to reduce WASA's costs and ensure that, where necessary, lead service lines are replaced before work begins on scheduled repaving projects.

The WASA Board of Directors has expressed support for a management proposal to increase the lead service replacement schedule for FY 2004 by an additional 500 replacements of service lines in public space. These replacements will be implemented at properties that meet specific “priority” criteria as established in conjunction with the DOH. WASA is receiving requests for inclusion in the priority replacement program and is coordinating with DOH to expedite a review by DOH of these requests. Under the

plan, the criteria that will be used to select service lines for priority replacement are as follows:

- approximately 100 home daycare centers with lead service lines;
- approximately 100 homes that have children with elevated blood lead levels and that have a lead service line or a service line of undetermined material;
- approximately 300 homes with high water lead levels that are occupied by members of the target population.

WASA continues to work with DOH and EPA to evaluate the decision to replace the public space service line pipe up to a threaded joint when an owner does not replace their portion of the service line simultaneously. This issue involves resolution of compliance questions raised under the requirement to replace the line that rests in public space. WASA is also awaiting technical analysis over the next several weeks on whether to continue to cut lead service lines. Additionally, WASA is undertaking test “dig-ups” where test results suggest the presence of a lead service line.

WASA’s Board of Directors has approved a resolution that proposes that the Board adopt a policy to remove all of the known lead service lines in public space in the District by September 30, 2010 and replace them with EPA-approved service lines. Additionally, the resolution states that if a lead service line is discovered that was not previously identified and replaced prior to September 30, 2010, WASA would replace the public space portion of that service line within 90 days of knowing of its existence. WASA will hold public meetings for two months for public comment, and will decide in June 2004 whether to formally adopt this plan.

An outstanding issue remains regarding whether homeowners should be required to pay to replace the portion of a lead service line on their property. Councilmember Schwartz made a proposal to the Task Force at its third meeting that a revolving fund be established to make no-interest loans to homeowners to replace the portions of lead service lines that lie on their property. She also has called on WASA to reduce by 20 percent the water bills of residents who have been advised to flush their lines. WASA also mentioned that they were examining potential liability concerns.

6. Change of Chemical Composition of Water

On February 5, 2004, one day after the Committee on Public Works and the Environment held its first public hearing on the issue of lead in the water, representatives from EPA, WASA, the Washington Aqueduct and DOH conducted a teleconference call to discuss the formation of a group tasked with developing a plan to reduce the corrosivity of treated drinking water in the District to reduce the level of lead in the water to allowable levels. This group, named the Technical Expert Working Group (TEWG),

first met on February 9, 2004, and is comprised of staff and contractors for WASA, the Aqueduct, DOH, Arlington County, Virginia and Falls Church, Virginia, as well as EPA staff members from the Mid-Atlantic Regional Office, EPA's Office of Research and Development in Cincinnati, Ohio and EPA's Office of Ground Water and Drinking Water. New members will be added to the TEWG as the need to add additional expertise is determined.

As a part of its Action Plan, a subgroup of the TEWG has completed its Desktop Options Analysis and has presented it to the full group. This analysis will undergo an independent peer review before it is finalized. The recommendation of the TEWG subgroup is to conduct a partial system test using orthophosphates at WASA's Fort Reno Pumping Station and thereafter a full-system test by feeding orthophosphates at the Dalecarlia and McMillan water treatment plants. The Aqueduct had originally been preparing to add orthophosphate to a portion of the District's water on June 1, 2004, and the entire system by September 1, 2004, which is expected to counteract the corrosive effects on lead pipes of the treated water. EPA officials have since informed Councilmember Schwartz at the April 19, 2004 public oversight hearing of the Committee on Public Works and the Environment that a decision has been made to use zinc orthophosphate and that the date for complete implementation of the treatment of drinking water with zinc orthophosphate may be moved up from September 1, 2004 to July 15, 2004. WASA said that there will be consideration of accelerating the timetable for a full-system implementation if the partial system test is successful.

7. Letters to President Bush and Congress Seeking Funding and Regulatory Review

Task Force co-chairs Mayor Williams and Councilmember Schwartz sent letters to the President and to the United States Congress requesting the assistance of relevant

federal agencies and federal funding to help address the issue of lead in some of the District's drinking water. Because EPA and the Washington Aqueduct, which is a part of the United States Army Corps of Engineers, are federal entities, Mayor Williams and Councilmember Schwartz believed that it was important and appropriate that the federal government be involved in – and cover costs associated with – addressing the lead problem.

a. February 13, 2004 Letter to Representative Davis

On February 13, 2004, Mayor Williams and Councilmember Schwartz sent a letter to Representative Tom Davis, Chairman of the House Committee on Government Reform, requesting that Representative Davis hold hearings on the actions of EPA and the Washington Aqueduct regarding the issue of lead in some of the District's drinking water. Partly in response to this letter, the House Committee on Government Operations held a hearing on this matter on March 5, 2004 and may hold additional hearings in the future on EPA and Aqueduct's involvement in the lead issue.

b. February 27, 2004 Letter to President Bush

On February 27, 2004, Councilmember Schwartz sent a letter to President George W. Bush requesting that the President instruct EPA and the Washington Aqueduct to become actively involved in addressing the issue of lead in some of the District's drinking water.

c. March 11, 2004 Letter from the White House in Response to Councilmember Schwartz's Letter of February 27, 2004

On March 11, 2004, Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs at the White House, sent a letter on behalf of the President in response to the February 27, 2004 letter from Councilmember Schwartz

requesting that the President instruct EPA and the Washington Aqueduct to become actively involved in addressing the issue of lead in some of the District's drinking water. Mr. Barrales wrote, "Your concerns and requests will be shared with the appropriate officials in the White House, the Environmental Protection Agency, and the United States Army Corps of Engineers. Rest assured, the Administration is aware of the situation facing our Nation's Capital and will work with you and the city to address important issues."

d. February 27, 2004 Letter to Senator Inhofe

On February 27, 2004, Mayor Williams and Councilmember Schwartz sent a letter to Senator James Inhofe, Chairman of the Senate Committee on Environment and Public Works requesting that Senator Inhofe hold hearings on the actions of EPA and the Washington Aqueduct regarding the issue of lead in some of the District's drinking water. The Senate Environment and Public Works Subcommittee on Fisheries, Wildlife and Water held a hearing regarding this matter on April 7, 2004.

e. March 23, 2004 Letter to President Bush

On March 23, 2004, Mayor Williams and Councilmember Schwartz sent a letter to President Bush requesting full reimbursement to the District and to WASA for the costs involved in addressing the issue of the increased lead levels in some of the District's drinking water. The letter explained that, since the apparent cause of this recent rise in lead levels was a change in the treatment chemistry of the District's water which was initiated by the Aqueduct and approved by EPA, it would be unfair to make the District taxpayers bear the financial burden of addressing this problem. Additionally, Mayor Williams and Councilmember Schwartz stated in this letter that the regulatory decisions of EPA, a federal agency, appear to have generated the costs involved in this

matter and that, even had the actions of EPA not been the cause of this problem, the structural imbalance the District faces due to its unique situation relative to the federal government warranted federal assistance in this matter. Mayor Williams and Councilmember Schwartz calculated that the situation of lead in some of the District's drinking water has thus far cost the District a total of \$25,824,101 in expenses related to blood testing, water testing, communications, logistics support and lead pipe replacement, and they requested full reimbursement of this amount from the federal government.

f. March 31, 2004 Reply from the White House to Mayor Williams' and Councilmember Schwartz's Letter of March 23, 2004

On March 31, 2004, Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs at the White House, sent a letter on behalf of the President in response to the March 23, 2004 letter sent by Mayor Williams and Councilmember Schwartz seeking full reimbursement to the District and to WASA for the costs involved in addressing the issue of the increased lead levels in some of the District's drinking water. Mr. Barrales wrote, "The US EPA is providing \$11.3 million this year in State Revolving Loan Grants to WASA for lead line replacement and has created a new program with the National Nursing Centers Consortium, called Lead Safe D.C., to bring lead education information, home visits, and blood lead level testing to District neighborhoods. In addition, the US EPA Region III is working with the District and WASA to assure that certified water filters are delivered to occupants in the estimated 23,000 homes and businesses with lead service lines, placing a priority on high risk population, and to ensure the completion of additional sampling to fully identify the extent of the problem. The Administration will continue to work with you, WASA, and other agencies to resolve this problem so that the residents of the District of Columbia are provided with safe drinking water."

g. April 7, 2004 Letter from Mayor Williams and Councilmember Schwartz to Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs at the White House in response to his letter of March 31, 2004

On April 7, 2004, Mayor Williams and Councilmember Schwartz sent a letter to Ruben Barrales, Deputy Assistant to the President and Director of Intergovernmental Affairs at the White House in response to his letter of March 31, 2004 on behalf of the President clarifying the lead in water issue and making it clear that the \$11.3 million being sent to WASA this year in State Revolving Loan Grants for lead line replacement is not earmarked specifically for lead line replacement, but rather for a host of improvements to the water system. They also wrote, “As you know, the State Revolving Loan Grants are provided to the District of Columbia on an annual basis, just as they are to other states, based on a federal formula. The resources provided in the current year are equivalent to those provided in prior years. These are not new funds provided by the federal government through the EPA for the increasing costs associated with addressing the elevated lead concentrations in water. As a consequence of the lead-in-water problem, WASA has re-allocated the State Revolving Loan Grant resources away from other important water projects in the District of Columbia, such as water main and large valve replacements and other work required to improve the reliability of water service in the Southeast quadrant of the city. Regarding the other US EPA activities mentioned in your letter, none of these involve additional resources to the city to cover expenses that WASA and the District have incurred.

“In your letter, your mention of the \$11.3 million in grants is simply a repeat of the standard US EPA line that we have heard over and over again in our hearings and our discussions with US EPA officials. If you ask these officials just one follow up question,

you will find out it is not one nickel more than we are entitled to under the Safe Drinking Water Act and not one penny more for remediation of this lead problem.

“We continue to seek full reimbursement from the federal government in the amount totaling \$25.8 million to the District and to WASA for costs associated with addressing this problem in 2004. Again, as we wrote in our March 23 letter to President Bush, the apparent cause for this recent rise in lead levels is a change in the treatment chemistry initiated by federal entities including the United States Army Corps of Engineers’ Washington Aqueduct, the provider of the District’s water, and approved by the US EPA, the regulator of the District’s water. Because the regulatory decisions of the US EPA appear to have generated these costs, and the resources to address them reside within the US EPA, it seems blatantly unfair that the citizens of our city should have to bear the expenses associated with addressing the problem.”

h . April 1, 2004 Letters to Senate and House Subcommittees on Energy and Water Development, Labor, HHS, Education and Related Agencies and Veterans’ Affairs, HUD and Independent Agencies

On April 1, 2004, Mayor Williams and Councilmember Schwartz sent letters to the Chairmen and Ranking Members of the Senate and House Subcommittees on Energy and Water Development, Labor, HHS, Education and Related Agencies and Veterans’ Affairs, HUD and Independent Agencies in support of Representative Eleanor Holmes Norton’s request for reimbursement of the costs involved in addressing the issue of the increased lead levels in some of the District’s drinking water. As with the March 23, 2004 letter to President Bush, the letters explained that, since the apparent cause of this recent rise in lead levels is a change in the treatment chemistry of the District’s water which was initiated by the Aqueduct and approved by EPA, it would be unfair to make the District taxpayers bear the financial burden of addressing this problem. Additionally, Mayor Williams and Councilmember Schwartz stated in these letters that the regulatory

decisions of EPA, a federal agency, appear to have generated the costs involved in this matter and that, even had the actions of EPA not been the cause of this problem, the structural imbalance the District faces due to its unique situation relative to the federal government warranted federal assistance in this matter.

8. Consideration of Obtaining Primacy Over Drinking Water Program

Since the development of the lead in drinking water situation, EPA has considered the possibility of allowing the District to have primacy over its drinking water program. Because the District is included within the definition of “state” under the Safe Water Drinking Act (SDWA), it would be eligible to be considered for primacy over its drinking water program provided, according to EPA, that the District could satisfy the criteria contained within 40 CFR 142.10. Among those criteria, the District must demonstrate that it can compel compliance with the national primary drinking water regulations by all public water systems in the District, and that it can take appropriate enforcement actions to enjoin any threatened or continuing violations of the national primary drinking water regulations. EPA says that, in the event that the District seeks primacy, the District would need to establish that Section 602(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (the “Home Rule Act”) gives the District sufficient authority over the Washington Aqueduct, one of the two public water suppliers in the District (along with WASA), to enforce the SDWA.

III. RECOMMENDATIONS OF THE CO-CHAIRS

The co-chairs of the Task Force make the following recommendations with respect to the lead in drinking water matter in the District:

1. Expedite Process of Changing Chemical Composition of Water

The Aqueduct was preparing to add orthophosphates to a portion of the District's water on June 1, 2004, and to the entire system by September 1, 2004. EPA officials have since informed Councilmember Schwartz that, due to successful desktop analysis, the date for complete implementation of the treatment of drinking water with zinc orthophosphate may be moved up from September 1, 2004 to July 15, 2004. The Task Force believes that EPA and the Aqueduct should strive to meet this July 15 date for complete implementation of the District's drinking water with zinc orthophosphate, provided the June 1, 2004 preliminary sample test results are successful.

EPA also stated that the water could temporarily turn a red or mud color once the new chemicals are added.

Councilmember Schwartz has urged the EPA to conduct a thorough and vigorous public information campaign prior to the change.

2. Continue Lead Service Line Replacement Program

WASA should pursue a course of service line replacement that includes the full length of the service line, including public and private portions, at a rate of at least 1,600 lines per year (which is roughly 7 percent of the current 23,000 identified lines). The Task Force recommends that WASA continue to explore the no-interest loans recommended by Councilmember Schwartz, as well as

financial assistance options for residents in need of assistance in order to replace the portions of lead service lines that lie within their property.

3. Continue Offering Free Blood Testing

DOH has been offering free blood lead level testing to those District residents who request it. DOH should continue to offer this service until the lead in drinking water problem has been resolved.

4. Continue Water Lead Level Testing

WASA should continue to provide free water lead level test kits to single-family residences, apartment buildings, condominium buildings and cooperative buildings that request them. WASA also needs to provide the results of these tests in a timely manner.

5. Apartment, Condominium and Cooperative Buildings Should Comply with Requests for Water Lead Level Testing

Owners of apartment, condominium and cooperative buildings should promptly request a water test kit from WASA, collect first-draw and second-draw samples of the tap water in their building and send these samples to WASA for testing after receiving a request to do so by a rental tenant or owner-occupier in the building. Legislation introduced on April 20, 2004 by Councilmembers Schwartz and Ambrose would mandate this.

6. Continue Offering Free Water Filters and Replacement Cartridges

The Task Force recommends that WASA continue to distribute free water filters and replacement cartridges to residences that test high for lead in their water, and that WASA should begin distributing these free filters and replacement cartridges to all residences with water service lines of unknown composition. The distribution of these filters and replacement cartridges should continue to each residence with a water service line of unknown composition until the residence is determined to not have a lead service line and the test of its water shows a non-excessive lead level.

7. Improve Communication Between WASA and the Mayor, Council, DOH and the Public

The Task Force recommends improved communication between WASA and the Mayor, the Council, DOH and the public. The public and government officials were not properly notified by WASA of the discovery of excessive lead water samples. WASA must improve its procedures for communication to the public and government officials regarding issues relating to the quality of the District's drinking water, especially with respect to health hazards like lead.

8. Continue Consultation with EPA

The Task Force also recommends continued consultation between WASA and EPA regarding the lead in drinking water issue. Although EPA failed initially to provide the leadership and oversight in this matter that it should have, it is important at this time to continue discussions with EPA and receive the benefit of its expertise in drinking water issues now that it appears to have become engaged in this matter.

9. Continue Coordination Between WASA and DDOT

WASA and DDOT should continue to coordinate their efforts with respect to the lead service line replacement program to ensure that District roadwork is conducted efficiently and effectively.

10. Forestall Water Rate Increases

The Task Force strongly recommends that WASA reevaluate its Operating and Capital Budget in order to forestall consideration of its proposed water rate increases.

11. Continue to Seek Funding from Federal Government

The Task Force recommends that the District continue to seek funding from the federal government to help pay for the costs of addressing the lead in drinking water issue in the District. Since the federal government was responsible in large part for helping to create this situation, it is only fair that it help pay to remedy this problem.

12. Continue Urging Federal Oversight

The Task Force recommends that the federal government continue to investigate the federal entities in this matter, the Washington Aqueduct and EPA, through oversight hearings and other means.

13. Support Continued WASA Engagement of Health Professionals

The Task Force is pleased that WASA recently contracted with a health professional expert to provide information on drinking water and health-related issues, and supports further such efforts by WASA in the future.

14. Continue Coordination of Information Through EMA

The Task Force recommends that District government communications on this matter continue to be coordinated by EMA. EMA has does an excellent job of coordinating communications regarding this issue thus far.

15. Continue to Consider Obtaining Primacy Over Drinking Water Program

The District should continue to consider obtaining primacy over its drinking water program, pursuant to the Safe Water Drinking Act. Although EPA currently regulates the District's drinking water program, EPA has indicated that it might support District efforts to obtain primacy over this program if the District can satisfy certain criteria.

IV. CONCLUSION

The Task Force was a working group charged with finding answers to questions of concern to the public and government regarding the lead in drinking water issue. It

served as a forum in which relevant government entities were able to share information and develop responses. When the Task Force was established a little more than 3 months ago, it was originally scheduled to be active until April 9, 2004, on which date an interim report was issued. This final report of the Task Force's activities is now being issued on April 22, 2004.

The Task Force co-chairs, Mayor Williams and Councilmember Schwartz agree that the Task Force's highest priority – to ensure coordination and cooperation among the agencies involved in addressing the problem of lead in some District residents' drinking water – has been achieved. The nine weekly Task Force meetings and the numerous Task Force public briefings have opened the lines of communication, and the co-chairs, as well as other members, expressed confidence that the appropriate individuals and agencies will continue to cooperate and coordinate as need be. Therefore, Mayor Williams and Councilmember Schwartz decided that, with the issuance of this final report, the Task Force would be dissolved. A few appropriate modifications have been made to the Interim Report, issued on April 9, 2004, which has also been updated with the latest testing data.

Mayor Williams and Councilmember Schwartz expect WASA to report back to them on the agency's activities and actions related to each recommendation included in this report. In their respective roles as head of the Executive Branch of the District government and Chair of the Council's Committee on Public Works and the Environment, Mayor Williams and Councilmember Schwartz will continue to act to address the problem of excessive lead in some residents' water until it is fully resolved.